

REMARKS

Entry of the foregoing Response is requested on the grounds that the claims patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The claims are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of July 22, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 38, 40-43 and 57-47 remain in the application. Claims 48 and 51-58 remain in the application as withdrawn. Claims 49 and 50 have been cancelled herein without prejudice. Reconsideration of the claims is respectfully requested.

At the outset, withdrawn independent claim 48 has been amended to recite a "paper substrate". Withdrawn claims 51-53 have also been amended to conform to amended claim 48. Further, withdrawn claims 49 and 50 have been canceled in light of amended claim 48. Applicants submit that independent claims 38 and 43 are allowable composition claims, and that claims 48 and 51-58 (which are directed to a withdrawn invention) recite all the elements of the allowable composition, and thus should be entitled to rejoinder. As such, it is submitted that the currently withdrawn claims 48 and 51-58 are also entitled to consideration.

Claims 38 and 40-47 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lever et al. (EP 0 458 481) in view of Ellery et al. (U.S. 5,631,078). The Examiner continues to assert that the combination of Lever and Ellery renders obvious independent claims 38 and 43. Further, the Examiner deems Applicants' arguments presented in the Amendment dated April 29, 2008 as unpersuasive for the following reasons:

The Examiner argues that Ellery teaches that a *film having paper* is conventionally made using cellulose ester fibers and, thus, it would have been obvious

for the substrate of Lever to be a paper substrate. However, Applicants respectfully disagree with the Examiner's argument. Ellery discloses a thermoplastic film ***formed from paper***. More specifically, the thermoplastic film is made from paper containing cellulose pulp and cellulose ester fibers and ***converting*** the paper into the thermoplastic film by application of heat and pressure (see column 2, lines 3-7). To reiterate from Applicants' Amendment dated April 29, 2008, Ellery is ***not*** teaching the formation of paper; but rather the formation of a thermoplastic ***film*** formed ***from*** paper. This is clearly in sharp contrast to independent claims 38 and 43, which both recites, "a ***paper*** substrate" (emphasis added).

In the Final Office Action, the Examiner also rejected Applicants' argument that thermoplastic films or products are not typically used for printing toner images thereon. The Examiner states that the foregoing argument is unsubstantiated, especially since (according to the Examiner) Lever teaches a substrate suitable for printing a toner image thereon (citing page 2, lines 23-58 of Lever).

In response thereto, Applicants again disagree with the Examiner's argument. At the outset, Applicants submit that Lever does not teach or even suggest (anywhere in Lever, let alone the passage cited by the Examiner) that the polymeric ***substrate*** is suitable for printing a toner image thereon. In fact, Lever teaches difficulties have accrued in the prior art for printing images on polymeric substrates because of poor ink-intake properties. As such, as stated in Lever, it is conventional to use an additional ink-receptive layer which is capable of retaining ink markings thereon. (See page 2, lines 2-11 of Lever.) Thus, Lever actually ***admits*** that polymeric substrates are difficult to print toner images thereon.

Further, Applicants submit herein a Declaration pursuant to 37 C.F.R. § 1.132 of Yaacov Almog to substantiate the argument that thermoplastic films or products are not generally recognized as being interchangeable with ordinary paper for printing toner images thereon. As stated in the declaration, cellulose pulp (which is found in ordinary paper) and cellulose acetate (which is found in both of the thermoplastic films of Lever and Ellery) have differing chemical and physical properties that affect their printing

characteristics. For at least this reasoning, it is submitted that one skilled in the art would **not** be led to use the thermoplastic films in place of ordinary paper as a suitable substrate for printing a toner image thereon. As such, Applicants submit that since neither the Lever nor the Ellery reference teach a **paper substrate**, the combination of Lever and Ellery **fails** to establish all elements of independent claims 38 and 43, thereby rendering the claims obvious.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 38 and 43, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by Lever and Ellery, either alone or in combination, and patentably defines over the art of record.

In summary, claims 38, 40-43 and 45-47 remain in the application, and claims 48 and 51-58 remain in the application as withdrawn. It is submitted that, through this Response, Applicants' invention as set forth in these claims is in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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